THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10937 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondents 2 to 4 in taking over possession of the toll gate on the bye-pass road even before the expiry of the toll period under the agreement dated 6.1.1996, as arbitrary and illegal.

It is contended by the petitioner that he made a representation, dated 1.4.2006, explaining that he suffered huge loss, since there were no proper toll collections due to various reasons, and seeking extension of the contract period to enable him to compensate the losses sustained. It is contended that while keeping the said representation dated 1.4.2006 pending, the respondents 2 to 4 are not justified in taking over possession of the toll gate.

This Court while directing notice to the respondents, by order dated 1.6.2006 ordered that the structures raised by the petitioner at the point of toll gate shall not be demolished pending further orders. However, in the counter affidavit filed on behalf of the respondents 2 to 4, it is stated that having considered the representation of the petitioner dated 1.4.2006, a detailed order has been passed on 14.5.2006 and that the same was communicated to the petitioner. Thereafter, since the term of contract had already expired, the toll gate was taken over from the petitioner duly observing the procedure.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Roads & Buildings, appearing for the respondents.

It is not disputed by the learned counsel for the petitioner that the order passed by the respondents dated 14.5.2006 was duly served on the petitioner. There is also no dispute about the fact that as on today possession was already taken over by the respondents. The extension as sought by the petitioner was rejected by the respondents duly

assigning the reasons therefore, by a speaking order, which does not warrant interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. In the circumstances, I do not find any justifiable reason to keep the writ petition pending any longer.

Accordingly, the writ petition is dismissed and the interim order dated 1.6.2006 shall stand vacated. However, it is made clear that this shall not preclude the petitioner to make an appropriate representation before the respondents seeking compensation for the loss allegedly sustained by him. If any such representation is made, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of such representation. No costs.

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(G. ROHINI).

7th December, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10937 OF 2006

7th December, 2006.

Between:

C. Babu Reddy. .. Petitioner.

And

The Union of India, represented by
Secretary, Ministry of Shipping,
Road Transport & Highways,
Government of India, Transport
Bhavan, Parliament Street, New Delhi &
others. .. Respondents.